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Contents of this No. of the National Register.

**FLORIDA NEGOTIATION**—The President's Message, and accompanying documents transmitted to Congress on the 9th inst., from 365 to 375—Ferdinand's proclamation on the establishment of the Spanish Court, &c., 375—Continued on next page. 376 to 380

The **FLORIDA NEGOTIATION** has proved, time, for the want of powers on the part of Gen. Vives, who has, however, disclosed, an important fact, viz. that the Spanish government will not cede to us the Floridas, without we renounce the right to recognize any of the independent South American governments, which of never can agree to: and here the negotiation has terminated for the present.

The following are the documents transmitted to Congress on the occasion—

## The President's Message.

The following is a copy of the President's Message, transmitted to Congress the 9th inst. by the hands of Daniel Brent, esq. on the subject of the Florida Treaty.

To the Senate of the United States:

I communicate to Congress a correspondence which has taken place between the Secretary of State and the Envoy Extraordinary and Minister Plenipotentiary of His Catholic Majesty, since the message of the 27th of March last, respecting the treaty which was concluded between the United States and Spain, on the 22d of February, 1819.

After the failure of His Catholic Majesty for so long a time to ratify the treaty, it was expected that his minister would have brought with him the ratification, or that he would have been authorised to give an order for the delivery of the territory ceded by it to the United States. It appears, however, that the treaty is still unratified, and that the minister has no authority to surrender the territory. The object of his mission has been to make complaints, and to demand explanations, respecting an imputed system of hostility, on the part of citizens of the United States, against the subjects and dominions of Spain, and an unfriendly policy in their government; and to obtain new stipulations, against these alleged injuries, as the condition on which the treaty should be ratified.

Unexpected as such complaints and such demands were, under existing circumstances, it was thought proper, without compromising the government as to the course to be pursued, to meet them promptly, and to give the explanations that were desired, on every subject, with the utmost candor. The result has proved what was sufficiently well known before, that the charge of a systematic hostility being adopted, and persevered in, by citizens of the United States, against the dominions and subjects of Spain, is utterly destitute of foundation; and that their govern-

ment, in all its branches, has maintained, with the utmost rigor, that neutrality in the civil war between Spain and the Colonies, which they were the first to declare. No force has been collected, nor incursions made from within the United States, against the dominions of Spain; nor have any naval equipments been permitted, in favor of either party against the other. The citizens have been warned of the obligations incident to the neutral condition of their country; the public officers have been instructed to see that the laws were faithfully executed; and severe examples have been made of some, who violated them.

In regard to the stipulation proposed, as the condition of the ratification of the treaty, that the United States shall abandon the right to recognize the revolutionary colonies in South America, or to form other relations with them, when, in their judgment, it may be just and expedient so to do, it is manifestly so repugnant to the honor, and even to the independence of the United States, that it has been impossible to discuss it. In making this proposal, it is perceived, that His Catholic Majesty has entirely misconceived the principles on which this government has acted, in being a party to a negotiation so long protracted, for claims as well founded and reasonable, as he likewise has the sacrifices which the United States have made comparatively with Spain in the treaty, to which it is proposed to annex so extraordinary and improper a condition.

Had the minister of Spain offered an unqualified pledge that the treaty should be ratified by his sovereign, on being made acquainted with the explanations, which had been given by this government, there would have been a strong motive for accepting and submitting it to the Senate for their advice and consent, rather than to resort to other measures for redress, however justifiable and proper. But he gives no such pledge. On the contrary he declares explicitly, that the refusal of this government to relinquish the right of judging and acting for itself, hereafter according to circumstances, in regard to the Spanish colonies, a right common to all nations, has rendered it impossible for him under his instructions, to make such an engagement. He thinks that his sovereign will be induced by his communications to ratify the treaty; but still he leaves him free, either to adopt that measure or to decline it. He admits that the other objections are essen-

tially removed, and will not in themselves prevent the ratification, provided the difficulty on the third point is surmounted. The result therefore is that the treaty is declared to have no obligation whatever; that its ratification is made to depend, not on the considerations which lead to its adoption, and the conditions which it contained, but in a new article unconnected with it, respecting which a new negotiation must be opened of indefinite duration and doubtful issue.

Under this view of the subject, the course to be pursued would appear to be direct and obvious, if the affairs of Spain had remained in the state in which they were when the minister sailed. But it is known that an important change has since taken place in the government of that country, which cannot fail to be sensibly felt, in its intercourse with other nations. The minister of Spain has essentially declared his inability to act in consequence of that change. With him however under his present powers, nothing could be done. The attitude of the United States, must now be assumed on full consideration of what is due to their rights, their interest, and honor, without regard to the powers or incidents of the late Mission. We may, at pleasure, occupy the territory which was intended and provided by the late treaty, at an indemnity for losses so long sustained by our citizens; but still nothing could be settled definitely without a treaty between the two nations. Is this the time to make the pressure? If the United States were governed by views of ambition and aggrandizement, many strong reasons might be given in its favor. But they have no objects of that kind to accomplish; none which are not founded in justice, and which can be injured by forbearance. Great hope is entertained that this change will promote the happiness of the Spanish nation.

The good order, moderation and humanity which have characterized the movements are the best guarantees of its success. The United States would not be justified in their own estimation should they take any step to disturb its harmony. When the Spanish government is completely organized on the principles of this change, as it is expected it soon will be, there is just ground to presume that our differences with Spain will be speedily and satisfactorily settled. With these remarks I submit it to the wisdom of Congress, whether it will not still be advisable to postpone any decision on this subject until the next session.

JAMES MONROE.

Washington, May 9, 1820.

[These documents consist of sixteen papers: the first is the recal of Don Onís; the second is his notice of recal given to our government; and the third is the credential letter of General Vives to the President of the United States—all of which, being merely matters of form, are, therefore, omitted in the Register.] Gen. Vives introduces this correspondence as follows:

General Don Francisco Donisio Vives to the Secretary of State.

Sir—In conformity with the orders of my government, which were communicated to Mr. Forsyth on the 16th of December last, by his excellency the Duke of San Fernando and Quiroga, and with the earnest desire of the King, my master, to see a speedy adjustment of the existing difficulties which obstruct the establishment, on a permanent basis, of the good understanding so obviously required by the interests of both powers, I have the honor to address you, and frankly to state to you, that my august sovereign, after a mature and deliberate examination, in full council, of the treaty of 23d February of the last year, saw, with great regret, that, in its tenor, it was very far from embracing all the measures indispensably requisite to that degree of stability which, from his sense of justice, he was anxious to see established in the settlement of the existing differences between the two nations.

The system of hostility, which appears to be pursued in so many parts of the Union, against the Spanish dominions, as well as against the property of their inhabitants, is so public and notorious, that, to enter into detail, would only serve to increase the causes of dissatisfaction; I may be allowed, however, to remark, that they have been justly denounced to the public of the United States, even by some of their own fellow-citizens.

Such a state of things, therefore, in which individuals may be considered as being at war, while their government are at peace with each other, is diametrically opposed to the mutual and sincere friendship, and to the good understanding which it was the object of the treaty (though the attempt has failed) to establish, and of the immense sacrifices consented to by his Majesty to promote.

These alone were motives of sufficient weight imperiously to dictate the propriety of suspending the ratification of the treaty, even although the American Envoy had not at first announced, in the name of his government, and subsequently required, of that of Spain, a declaration which tended directly to annul one of its most clear, precise, and conclusive articles, even after the signature and ratification of the treaty.

The King, my master, influenced by considerations so powerful as to carry with them the fullest evidence, has, therefore, judged it necessary and indispensable, in the exercise of his duties as a sovereign, to request certain explanations of your government; and he has, in consequence, given me his commands to propose to it the following points in the discussion and final arrangement of which, it seems proper that the relative state of the two nations should be taken into full consideration.

That the United States, taking into due consideration the scandalous system of piracy established in, and carried on from, several of their ports, will adopt measures satisfactory and effectual, to repress the barbarous excesses, and unexampled depredations, daily committed upon Spain, her possessions, and properties; so as to satisfy what is due to international rights, and is equally claimed by the honor of the American people.

That, in order to put a total stop to any future armaments, and to prevent all aid whatsoever being afforded from any part of the Union, which may be intended to be directed against, and employed in the invasion of His Catholic Majesty's possessions in North America, the United States will agree to offer a pledge (a *daruna seguiradal*) their integrity shall be respected.

And, finally, that they will form no relations with the pretended governments of the revolted provinces of Spain situate beyond sea, and will conform to the course of proceeding adopted, in this respect, by other powers in amity with Spain.

In submitting to you these just and natural demands, I have received the orders of the King, my master, to make known to the President that they would have been regularly communicated to the Minister Plenipotentiary of the United States at Madrid, if, in the excess of his zeal, he had not, at an early period, been induced to express himself in terms disrespectful to the dignity of his Majesty; and I am, at the same time, commanded to give the assurance, that, in alluding to an incident of so unpleasant a nature, it is not intended to make the conduct of Mr. Forsyth a subject of complaint, but merely to make your government fully acquainted with the motives of my august sovereign, in adopting the resolution, as already stated.

I flatter myself that the President, on an attentive examination of the contents of this note, entirely dictated by sentiments of justice, will see a decisive evidence of the sincere desire of the King, my master, to attain with promptitude the definitive settlement of a transaction, no less important in itself, than it is essential to the mutual interests of the two countries.

I eagerly avail myself of this occasion to assure you of my perfect respect, and highest consideration. I pray that God may long preserve you.

FRANCISCO DIONISIO VIVES.

Washington, April 14, 1820.

The Secretary of State to General Don Francisco Dionisio Vives, Envoy Extraordinary and Minister Plenipotentiary from Spain.

Department of State,  
Washington, 18th April, 1820.

Sir—Before replying to the letter which I have had the honor of receiving from you, dated the 14th instant, I am directed by the President of the United States to request a copy of your full powers, and to be informed whether you are the bearer of the ratification, by His Catholic Majesty, of the treaty signed on the 22d of February, 1819, by Don Luis de Onís, and are ready, in the event of suitable explanations being given upon the points mentioned in your letter, to exchange the same for the ratification on the part of the United States, if the Senate should advise and consent that such exchange of ratifications should now be accepted?

Please to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

General Don Francisco Dionisio Vives to the Secretary of State.

TRANSLATION.

Sir: In answer to your note of yesterday's date, and in compliance with the request stated in its first point, I have the honor to enclose a copy of my full powers.

I have at the same time to inform you, that I am not the bearer of the ratification of the treaty of the

22d Feb. 1819, signed by Don Luis de Onís, nor does it seem agreeable to the natural course of things, and to established usage, that a treaty should be ratified previous to a removal of the obstacles which have expressly caused the suspension of its ratification. But I am enabled to assure you, that I am fully authorised to offer a solemn promise, in the name of the King, my master, that, if the result of the proposals presented in my first note be satisfactory, the ratification of the treaty will be attended with no further delay than the time indispensably necessary for the arrival at Madrid of one of the gentlemen attached to my legation, who has accompanied me for that especial purpose.

I renew to you, Sir, the assurance of my distinguished consideration; and I pray God long to preserve you.

FRANCISCO DIONISIO VIVES.

Washington, 19th April, 1820.

*Extract of the copy of the full power of General Vives.*

[TRANSLATION.]

We have authorised, and by these presents we do authorise you, granting you full power, in the most ample form, to meet and confer with such person or persons, as may be duly authorised by the government of the United States; and with him or them to settle, conclude, and sign, whatsoever you may judge necessary to the best arrangement of all points depending between the two governments; promising, as we do hereby promise, upon the faith and word of a King, to approve, ratify, and fulfil, such articles or agreements as you may conclude and sign.

I, THE KING.

*The Secretary of State to General Don Francisco Dionisio Vives.*

Department of State,

Washington, 21st April, 1820.

Sir: I am directed by the President of the United States to express to you the surprise and concern with which he has learnt that you are not the bearer of the ratification, by His Catholic Majesty, of the treaty signed on the 22d February, 1819, by Don Luis de Onís, by virtue of a full power, equally comprehensive with that which you have now produced. A full power, by which his Catholic Majesty promised, "on the faith and word of a King, to approve, ratify, and fulfil, whatsoever might be stipulated and signed by him."

By the universal usage of nations, nothing can release a sovereign from the obligation of a promise thus made, except the proof that his minister, so empowered, has been faithless to his trust, by transcending his instructions.

Your sovereign has not proved, nor even alleged that Mr. Onís had transcended his instructions; on the contrary, with the credential letter which you have delivered, the President has learnt that he has been relieved from the mission to the United States only to receive a new proof of the continued confidence of his Catholic Majesty, in the appointment to another mission, of equal dignity and importance.

On the faith of this promise of the King, the treaty was signed and ratified, on the part of the United States; and it contained a stipulation that it should also be ratified by his Catholic Majesty, so that the ratifications should, within six months from the date of its signature, be exchanged.

In withholding this promised ratification beyond

the stipulated period, his Catholic Majesty made known to the President that he should forthwith despatch a person, possessing entirely his confidence, to ask certain explanations, which were deemed by him necessary previous to the performance of his promise to execute the ratification.

The minister of the United States, at Madrid, was enabled, and offered to give, all the *explanations* which could justly be required in relation to the treaty. Your government declined even to make known to him their character; and they are now, after the lapse of more than a year, first officially disclosed by you.

I am directed by the President to inform you, that explanations which ought to be satisfactory to your government, will readily be given upon all the points mentioned in your letter of the 14th instant; but that he considers none of them, in the present state of the relations between the two countries, as points for *discussion*. It is indispensable that, before entering into any new negotiation between the United States and Spain, that relating to the treaty already signed should be closed—If, upon receiving the *explanations* which your government has asked, and which I am prepared to give, you are authorized to issue orders to the Spanish officers commanding in Florida, to deliver up to those of the United States who may be authorized to receive it, immediate possession of the province, conformably to the stipulations of the treaty, the President, if such shall be the advice and consent of the Senate, will wait (with such possession given) for the ratification of his Catholic Majesty, till your messenger shall have time to proceed to Madrid. But, if you have no such authority, the President considers it would be at once an unprofitable waste of time, and a course incompatible with the dignity of this nation, to give explanations which are to lead to no satisfactory result; and to resume a negotiation, the conclusion of which can no longer be deferred.

Be pleased to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

General Don Francisco Dionisio Vives to the Secretary of State.

[TRANSLATION.]

Sir: [In acknowledging the receipt of your note of the 21st inst. I have the honor to remark, in the first place, that you appear to have misconceived a material part of my letter of the 14th, by re-producing arguments which have been already sufficiently refuted by my government. You will, therefore, excuse me from reviving them here, is so far as they relate to the question whether a sovereign is, or is not, bound to satisfy what may have been signed by his negotiator; it being well known that various instances may be cited of cases in which the ratification of a treaty has been justly suspended, without alleging, as the motive for so doing, that the negotiator had transcended his powers or instructions. There may, unquestionably, be other reasons sufficiently valid to exonerate him from the obligation of ratifying, supposing that to have been the case.]

It is evident that the scandalous proceedings of a number of American citizens; the decisions of several of the courts of the Union; and the criminal expedition set on foot within it for the invasion of his Majesty's possessions in North America, at the very period when the ratification was still pending,

were diametrically opposite to the most sacred principles of amity, and to the nature and essence of the treaty itself. These hostile proceedings were, notwithstanding, tolerated by the federal government, and thus the evil was aggravated; so that the belief generally prevailed throughout Europe, that the ratification of the treaty by Spain, and the acknowledgement of the independence of the rebellious transatlantic colonies, by the United States would be simultaneous acts. The pretensions advanced by Mr. Forsyth, in relation to the 8th article, were also evidently calculated to render the treaty illusory. It is, therefore, not possible to assign reasons more powerful, or more completely justificatory of the sovereign resolution of the King, my master, to suspend his ratification of that instrument.

In my first note, I also hinted at the offensive terms employed by the American Minister at Madrid, from the very outset; which you notice no further than by taking up the second point upon which the one which I have now the honor to contest essentially turns. Although his Majesty might certainly have kept aloof from a deportment so void of moderation, and so derogatory to his dignity, it is obvious that any discussions commenced with a minister so situated, were only likely to produce unprofitable results, his correspondence tending more powerfully to disunite than to reconcile the contracting parties. It was, indeed, a subject of great regret, that the incident just referred to; the distance of Spain from the new world, which, from the obstructions to correspondence, produced unavoidable delay, in receiving correct information of the events passing here, and which to his Majesty appeared incredible; and, in fine, his wish to avoid whatever had the appearance of an unfounded complaint, and an unpleasant difference between the two governments, should have retarded my arrival, and the happy conclusion of the transaction now pending.

I have further to state to you, that I am not authorized by his Majesty to give the necessary orders to the Spanish authorities in the Floridas to deliver up those possessions to the United States; nor was this to be presumed, since, if it appeared contrary to the natural order of things, and to established usage, that the treaty should be ratified previous to receiving the explanations which necessitated its suspension, it would, consequently, seem the more so, that it should receive its due accomplishment before it was finally ratified.

It is with equal surprise and concern that I observe, in the conclusion of your note, that you intimate the intention to decline any discussion of my proposals previous to the possession of the Floridas; since it appears to me that such discussion could not be long, in the event of your government being ready to accede to them, (in which case I repeat that I am authorized solemnly to promise, in the name of his Majesty, that the ratification of the treaty shall be no longer delayed.) nor, that the delay, unavoidably produced by that particular cause, in the occupation of the territories in question, could be considered as derogatory to the dignity of the United States, and the more so, as, until then, his Catholic Majesty would not be in the full possession of his rights.

I flatter myself that, on a consideration of the contents of this note, you will favor me with an answer more agreeable to my wishes.

In the mean time, I reiterate the assurance of my



distinguished consideration and respect, praying God to preserve you many years.

FRANCISCO DIONISIO VIVES.

Washington, 24th April, 1820.

The Secretary of State to General Don Francisco Dionisio Vives, Envoy Extraordinary and Minister Plenipotentiary from Spain.

Department of State, Washington, 3d May, 1820.

Sir:—The explanations upon the point mentioned in your letter of the 4th ultimo, which I have had the honor of giving you at large in the conference between us, on Saturday last, and the frankness of the assurances which I had the pleasure of receiving from you, of your conviction that they would prove satisfactory to your government, will relieve me of the necessity of recurring to circumstances which might tend to irritating discussions. In the confident expectation that, upon the arrival of your messenger at Madrid, his Catholic Majesty will give his immediate ratification to the treaty of the 22d February, 1819, I readily forbear all reference to the delays which have hitherto retarded that event, and all disquisition upon the perfect right which the United States have had to that ratification.

I am now instructed to repeat the assurance which has already been given you, that the representations which appear to have been made to your government of a system of hostility, in various parts of this Union against the Spanish dominions, and the property of Spanish subjects, of decisions marked with such hostility by any of the courts of the United States, and of the toleration in any case of it by this government, are unfounded. In the existing unfortunate civil war between Spain and the South American provinces, the United States have constantly avowed and faithfully maintained an impartial neutrality. No violation of that neutrality by any citizen of the United States has ever received sanction or countenance from this government. Whenever the laws previously enacted for the preservation of neutrality have been found by experience in any manner defective, they have been strengthened by new provisions and severe penalties. Spanish property, illegally captured, has been constantly restored by the decisions of the tribunals of the United States, nor has the *life itself* been spared of individuals guilty of piracy, committed upon Spanish property on the high seas.

Should the treaty be ratified by Spain, and the ratification be accepted by and with the advice of the Senate, the boundary line recognised by it, will be respected by the United States, and due care will be taken to prevent any transgression of it.—No new law or engagement will be necessary for that purpose. The existing laws are adequate to the suppression of such disorders, and they will be, as they have been, faithfully carried into effect.—The miserable disorderly movement of a number not exceeding seventy lawless individual strugglers, who never assembled within the jurisdiction of the United States, into a territory to which his Catholic Majesty has no acknowledged right other than the yet unratified treaty, was so far from receiving countenance or support from the government of the United States, that every measure necessary for its suppression was promptly taken under their authority: and from the misrepresentations which have been made of this very insignificant transaction to the Spanish government, there is reason to believe that the pretended expedition itself,

as well as the gross exaggerations which have been used to swell its importance, proceed from the same sources, equally unfriendly to the United States and to Spain.

As a necessary consequence of the neutrality between Spain and the South American provinces, the United States can contract no engagement, not to form any relations with those provinces. This has explicitly and repeatedly been avowed and made known to your government, both at Madrid and at this place. The demand was resisted both in conference and written correspondence, between Mr. Erving and Mr. Pizarro.

Mr. Onís had long and constantly been informed, that the persistence in it would put an end to the possible conclusion of any treaty whatever. Your sovereign will perceive that as such an engagement cannot be contracted by the United States consistently with their obligations of neutrality, it cannot justly be required of them, nor have any of the European nations ever bound themselves to Spain by such an engagement.

With regard to your *proposals*, it is proper to observe, that his Catholic Majesty, in announcing his purpose of asking explanations of the United States, gave no intimation of an intention to require new articles to the Treaty. You are aware that the U. States cannot consistently with what is due to themselves, stipulate new engagements, as the price of obtaining the ratification of the old. The declaration which Mr. Forsyth was instructed to deliver, at the exchange of the ratifications of the treaty, with regard to the 5th article, was not intended to annul, or in the slightest degree, to alter or impair the stipulations of that article; its only object was to guard your government, and all persons who might have had any interest in any of the annulled grants, against the possible expectation or pretence that those grants would be made valid by the Treaty.—All grants subsequent to the 24th January, 1818, were declared to be positively null and void, and Mr. Onís always declared that he signed the treaty, fully believing that the grants to the Duke of Allagon, Count Punon Rostro, and Mr. Vargas, were subsequent to that date. But he had, in his letter to me of 16th November, 1818, declared that those grants were all null and void, because the essential conditions of the grants, had not been fulfilled by the grantees. It was distinctly understood by us both, that no grant, of whatever date, should be made valid by the treaty, which would not have been valid by the laws of Spain and the Indies, if the treaty had not been made. It was therefore stipulated, that grants prior to the 24th January, 1818, should be confirmed, only "to the same extent that the same grants would be valid, if the Territories had remained under the dominion of his Catholic Majesty." This of course excluded the three grants above mentioned, which Mr. Onís had declared invalid for want of the fulfilment of their essential conditions, a fact which is now explicitly admitted by you. A single exception to the principle that the treaty should give no confirmation to any imperfect title, was admitted; which exception was, that owners in possession of lands who, by reason of the recent circumstances of the Spanish nation, and the revolutions in Europe, had been prevented from fulfilling all the conditions of their grants, should complete them without the terms limited to the same, from the date of the treaty; this had obviously no reference to the above mentioned grants, the grantees of which were not in possession of the lands, who had fulfilled none

of their conditions, and who had not been prevented from fulfilling any of them by the circumstances of Spain, or the only revolutions of Europe.

The article was drawn up by me; and, before assenting to it, Mr. Onís enquired what was understood by me as the import of the terms "shall complete them." I told him, that, in connection with the terms "all the conditions," they necessarily implied that the indulgence would be limited to grantees, who had performed some of the conditions, and who had commenced settlements, which it would allow them to complete. These were precisely the cases for which Mr. Onís had urged the equity of making a provision, and he agreed to the article, fully understanding that it would be applicable only to them.

When, after the signature of the treaty, there appeared to be some reason for supposing that Mr. Onís had been mistaken in believing that the grants to the Duke of Alagon, Count Punon Rostro, and Mr. Vargas, were subsequent to the 24th January, 1818, candor required that Spain and the grantees should never have a shadow of ground to expect or allege that this circumstance was at all material in relation to the bearing of the treaty upon those grants. Mr. Onís had not been mistaken in declaring that they were invalid, because their conditions were not fulfilled. He had not been mistaken in agreeing to the principle that no grant, invalid as to Spain, should, by the treaty, be made valid against the United States. He had not been mistaken, in the knowledge that those grantees had neither commenced settlements nor been prevented from completing them, by the circumstances of Spain, or the revolutions in Europe. The declaration which Mr. Forsyth was instructed to deliver, was merely to caution all whom it might concern, not to infer, from an unimportant mistake of Mr. Onís, as to the date of the grants, other important mistakes which had been made, and which the United States would not permit to be made by any one. It was not, therefore, to annul or to alter, but to fulfil the 8th article, as it stands, that the declaration was to be delivered; and it was for the same purpose that this explanation is now given.

It was with much satisfaction, therefore, that I learned from you the determination of your government to assent to the total nullity of the above mentioned grants.

As I flatter myself that these explanations will remove every obstacle to the ratification of the treaty by His Catholic Majesty, it is much to be regretted that you have not that ratification to exchange, nor the power to give a pledge which would be equivalent to the ratification. The six months within which the exchange of the ratifications were stipulated by the treaty having elapsed, by the principles of our Constitution, the question whether it shall be now accepted, must be laid before the Senate for their advice and consent. To give a last and signal proof of the earnest wish of this government to bring to a conclusion these long standing and unhappy differences with Spain, the President will so far receive that solemn promise of immediate ratification upon the arrival of your messenger at Madrid, which, in your note of the 19th ultimo, you declare yourself authorised, in the name of your sovereign, to give, as to submit to the Senate of the United States, whether they will advise and consent to accept it, for the ratification of the United States heretofore given.

But, it is proper to apprise you, that if this offer is not accepted, the United States, besides being

entitled to resume all the rights, claims, and pretensions, which they had renounced by the treaty, can no longer consent to relinquish their claims of indemnity, and those of their citizens, from Spain, for all the injuries which they have suffered and are suffering, by the delay of His Catholic Majesty to ratify the treaty. The amount of claims of the citizens of the United States, which existed at the time when the treaty was signed, far exceeded that which the United States consented to accept as indemnity. Their right of territory was, and yet is, to the Rio del Norte. I am instructed to declare, that, if any further delay to the ratification by His Catholic Majesty, of the treaty, should occur, the United States could not hereafter accept, either of five millions of dollars for the indemnities due to their citizens by Spain, nor of the Sabine, for the boundary between the United States and the Spanish territories.

Please to accept the renewed assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

General Don Francisco Dionisio Vives to the Secretary of State.

[TRANSLATION.]

Sir—In answer to your note of the 3d instant, and in pursuance of what I expressed to you in both our late conferences, I have to state to you, that I am satisfied upon the first point of the proposals contained in my note of the 14th ultimo; and am persuaded that, if the existing laws enacted for the suppression of piracy, should prove inadequate, more effectual measures will be adopted by your Government, for the attainment of that important object.

I also admit as satisfactory, the answer given to the second point; but I cannot assent to your assertion that the laws of this country have always been competent to the prevention of the excesses complained of; it being quite notorious, that the expedition alluded to, has not been the only one set on foot for the invasion of His Majesty's dominions, and it is, therefore, not surprising, that the King, my lord, should give credit to the information received in relation to that expedition, or that he should now require of your government a pledge, that the integrity of the Spanish possessions in North America shall be respected.

I mentioned to you in conference, and I now repeat it, that the answer to the third point was not such as I could, agreeably to the nature of my instructions, accept, as being satisfactory; and that, although His Majesty might not have required of any of the European governments the declaration which he has required of yours, yet, that ought not to be considered as unreasonable; it being well known to the King, my master, that those governments, so far from being disposed to wish to recognize the insurgent governments of the Spanish colonies had declined the invitation, intimated to them some time past, by yours to acknowledge the pretended Republic of Buenos Ayres. I, notwithstanding, renew to you the assurance that I will submit to his Majesty the verbal discussion we have had upon this point, and accompany it with such additional arguments as will, in my judgment, probably determine His Majesty to declare himself to be satisfied therewith.

In the event of the king's receiving as satisfactory the answer of your government to the third point of my proposals, the abrogation of the grants will be attended with no difficulty; nor has that

ever been the chief motive for suspending the ratification of the treaty; for the thorough comprehension of which I waive, at present, any reply to the remarks which you are pleased to offer on that topic. I cannot, however, refrain from stating to you that, in discussing with you the validity or the nullity of the grants above mentioned, I merely said "that, in my private opinion, they were null and void, through the *inability* of the grantees to comply with the terms of the law."

It is to me a matter of great regret that I have it not in my power to repeat the solemn promise that His Majesty will ratify the treaty; inasmuch as I cannot, agreeably to my instructions, accept as satisfactory the answer given to the third point of my proposals. I am, however, persuaded that His Majesty upon consideration of their representation which I shall have the honor to lay before him and of the reasons assigned by your government for withholding its assent to the third point, will consider himself as satisfied and ratify the treaty.

I further conceive it my duty to state to you, that, at the time when I communicated to your government the substance of my present answer, I mentioned, speaking in my individual capacity, that, although I had no official information of it, yet I consider as authentic the current intelligence of an important change said to have taken place in the government of Spain; and that this circumstance alone would impose on me the obligation of giving no greater latitude to my promise previous to my receiving new instructions.

I, therefore, hope that your government, upon consideration of what I have now submitted to you, and of the contents of my former notes, will agree to await the final decision of the King, my master, upon the only point still pending, and the adjustment of which is not within my competency; so that the treaty receive its final accomplishment, thereby securing and perpetuating a perfect harmony and good understanding between the two governments.

Be pleased to accept the assurances of my distinguished consideration. I pray God to preserve you many years.

FRANCISCO DIONISIO VIVES.

Washington, May 5, 1820.

The Secretary of State to General Vives.  
General Vives, Envoy Extraordinary and  
Minister Plenipotentiary of Spain.

Department of State, }  
Washington, 6th May, 1820. }

Sir—In the letter which I have had the honor of receiving from you, dated yesterday, you observe that you renew the assurance that you will submit to His Majesty the verbal discussion we have had on the third point, concerning which you were instructed to ask for explanations. I have to request of you to state specifically the representation which you propose to make to His Majesty of what passed between us in conference on this subject.

I pray you to accept the renewed assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

General Don Francisco Dionisio Vives to the Secretary of State  
[TRANSLATION.]

Sir—I have received the note you were pleased to address to me, of yesterday's date, and, in answer thereto, I have to state, that the verbal discussion between us, upon the third point of my

proposals, is comprised in your note of the third, and my reply of the fifth instant; and that, consequently, the statement of it, which I shall transmit for his Majesty's information, will be in strict accordance with the tenor of the said notes.

I renew to you the assurance of my high esteem, and I pray God to preserve you many years.

FRANCISCO DIONISIO VIVES.

Washington, 7th May, 1820.

The Secretary of State, to General Don Francisco Dionisio Vives, Envoy Extraordinary, and Minister Plenipotentiary of Spain.

Department of State, Washington 8th May 1820.

Sir—In the letter which I had the honor of writing you, on the 3d inst. it was observed that all reference would readily be waived to the delays which have retarded the ratification by His Catholic Majesty, of the treaty of the 22d February, 1819—and all disquisition upon the perfect right of the United States, to that ratification; in the confident expectation that it would be immediately given upon the arrival of your messenger at Madrid, and subject to your compliance with the proposal offered you in the same note, as the last proof which the President could give of his reliance upon the termination of the differences between the United States and Spain, by the ratification of the treaty.

This proposal was, that, upon the explanations given you on all the points, noticed in your instructions, and with which you had admitted yourself to be personally satisfied, you should give the solemn promise, in the name of your sovereign, which, by your note of the 19th ult. you had declared yourself authorized to pledge, that the ratification should be given immediately on the arrival of your messenger at Madrid, which promise the President consented so far to receive, as to submit the question for the advice and consent of the Senate of the United States, whether the ratification of Spain should, under these circumstances, be accepted in exchange for that of the United States heretofore given. But the President has, with great regret, perceived by your note of the 5th inst. that you decline giving even that unconditional promise, upon two allegations: one, that although the explanations given you on one of the points mentioned in your note of the 14th ultimo, are satisfactory to yourself, and you hope and believe will prove so to your sovereign, they still were not such as you were authorized by your instructions to accept—and the other, that you are informed a great change has recently occurred in the government of Spain, which circumstance alone would prevent you from giving a further latitude to your promise previous to your receiving new instructions.

It becomes, therefore, indispensably necessary to shew the absolute obligation by which His Catholic Majesty was bound to ratify the treaty within the term stipulated by one of its articles; that the reason alleged for his withholding the ratification are altogether insufficient for the justification of that measure, and that the United States have suffered by it the violation of a perfect right for which they are justly entitled to indemnity and satisfaction, a right further corroborated by the consideration that the refusal of ratification necessarily included the non-fulfilment of another compact between the parties which had been ratified—the convention of August, 1802.

While regretting the necessity of producing this proof, I willingly repeat the expression of my as-

tisfaction at being relieved from that of enlarging upon other topics of an unpleasant character. I shall allude to none of those, upon which you have admitted the explanations given to be satisfactory, considering them as no longer subjects of discussion between us or our governments. I shall with pleasure forbear noticing any remarks in your notes concerning them, which might otherwise require animadversion.

With the view of *confining* this letter to the only point upon which further observation is necessary, it will be proper to state the present aspect of the relations between the contracting parties.

The treaty of 22nd February, 1819, was signed, after a succession of negotiations, of nearly twenty years' duration, in which all the causes of difference between the two nations had been thoroughly discussed, and with a final admission on the part of Spain, that there were existing just claims on her government, at least to the amount of five millions of dollars, due to citizens of the United States, and for the payment of which, provision was made by the treaty. It was signed by a minister, who had been several years residing in the United States, in constant and unremitting exertions to maintain the interests and pretensions of Spain, involved in the negotiation; signed after producing a full power, by which, in terms as solemn and as sacred as the hand of a sovereign can subscribe, his Catholic Majesty had promised to approve, ratify, and fulfil, whatever should be stipulated and signed by him.

You will permit me to repeat, that, by every principle of natural right, and by the universal assent of civilized nations, nothing can release the *honour* of a sovereign from the obligation of a promise thus unqualified, without the proof that his Minister has signed stipulations unwarranted by his instructions. The express authority of two of the most eminent writers upon national law, to this point were cited in Mr. Forsyth's letter of 2nd October, 1819, to the Duke of San Fernando. The words of Vattel are: "But, to refuse, with honour, to ratify that which has been concluded in virtue of a full power, the sovereign must have strong and solid reasons for it; and particularly he must shew that his minister transcended his instructions."—The words of Martens are: "Every thing that has been stipulated by an agent, in conformity to his full powers, ought to become obligatory for the state from the moment of signing, without ever waiting for the ratification. However, not to expose a state to the errors of a single person, it is now become a general maxim, that public conventions do not become obligatory until ratified. The motive of this custom clearly proves that the ratification can never be refused with justice, except when he who is charged with the negotiation, keeping within the extent of his public full powers, has gone beyond his secret instructions, and, consequently, rendered himself liable to punishment; or when the other party refuses to ratify." In your letter of the 24th ultimo, you observe that these positions have already been refuted by your government; which makes it necessary to inquire, as I, with great reluctance do, how they have been refuted?

The duke of San Fernando, in his reply to this letter of Mr. Forsyth, says, maintains, and repeats, "that the very authorities cited by Mr. Forsyth, literally declare, that the sovereign, for strong and solid reasons, or, if his minister has exceeded his instructions, may refuse his ratification, [Vattel, book 2, chap. 12.] and that public treaties are not

obligatory until ratified." [Martens, book 2, chap. 3.] In these citations, the duke of San Fernando has substituted for the connective term *and* in Vattel, which makes the proof of instructions transcended indispensable to justify the refusal of ratification, the disjunctive term *or*, which presents it as an alternative, and unnecessary, on the contingency of other existing strong and solid reasons. Vattel says the sovereign must have strong and solid reasons and particularly must show that the minister transcended his instructions. The duke of San Fernando makes him say the sovereign must have strong and solid reasons, *or* if his minister has exceeded his instructions. Vattel not only makes the breach of instructions indispensable, but puts upon the sovereign the obligation of proving it.—The duke of San Fernando cites Vattel, not only as admitting that other reasons, without a breach of instructions, may justify a refusal or ratification, but that the mere fact of such a breach would also justify the refusal, without requiring that the sovereign alledging should prove it.

Is this refutation?

The only observation that I shall permit myself upon it, is to mark how conclusive the authority of the passage in Vattel must have been to the mind of him who thus transformed it to the purpose for which he was contending. The citation from Martens receives the same treatment. The Duke of San Fernando takes by itself a part of a sentence, "that public treaties are not obligatory until ratified." He omits the preceding sentence, by which Martens asserts that a treaty, signed in conformity to full powers, is in rigour obligatory from the moment of signature, without waiting for the ratification. He omits the part of the sentence cited, which ascribes the necessity of a ratification to an usage founded upon the danger of exposing a state to the errors of its Minister. He omits the following sentence, which explicitly asserts that this usage can never be resorted to, in justification of a refusal to ratify, unless when the Minister has exceeded his secret instructions; and thus, with this half of a sentence, stripped of all its qualifying context, the Duke brings Martens to assert that which he most explicitly denies.

Is this refutation?

While upon this subject permit me to refer you to, another passage of Vattel, which I the more readily cite, because, independent of its weight as authority, it places this obligation of sovereigns upon its immoveable foundation of eternal justice in the law of nature. "It is shewn by the law of nature, that he who has made a promise to any one, has conferred upon him a true right to require the thing promised; and that, consequently, not to keep a perfect promise, is to violate the right of another, and is as manifest an injustice, as that of depriving a person of his property. All the tranquility, the happiness, and security, of the human race, rests on justice, on the obligation of paying a regard to the rights of others. The respect of others for our rights of domain and property constitutes the security of our actual possessions. The faith of promises is our security for the things that cannot be delivered or executed on the spot. There would be no more security, no longer any commerce between mankind, did they not believe themselves obliged to preserve their faith and keep their word. This obligation is then as necessary, as it is natural and indubitable between the nations that live together in a state of nature, and acknowledge no superior upon earth, to maintain order and peace in their so-



ciety. Nations and their conductors ought then to keep their promises and their treaties inviolable. This great truth, though too often neglected in practice, is generally acknowledged by all nations."

The melancholy allusion to the frequent practical neglect of this unquestionable principle, would afford a sufficient reply to your assertion that the ratification of treaties has often been refused, though signed by ministers with unqualified full powers, and without breach of their instructions. No case can be cited by you, in which such a refusal has been justly given; and the fact of refusal, separate from the justice of the case, amounts to no more than the assertion that sovereigns have often violated their engagements and their duties. The obligation of his Catholic Majesty to ratify the treaty signed by Mr. Onís is therefore complete.

The 16th and last article of this treaty is in the following words: "The present treaty shall be ratified, in due form; by the contracting parties, and the ratifications shall be exchanged in six months from this time, or sooner, if possible." On the faith of his Catholic Majesty's promise, the treaty was, immediately after its signature, ratified, on the part of the United States, and on the 18th of May following, Mr. Forsyth, by an official note, informed the Marquis to Casa Yrujo, their Minister of Foreign Affairs at Madrid, that the treaty, duly ratified by the United States, had been entrusted to him by the President, and that he was prepared to exchange it for the ratification of Spain. He added that, from the nature of the engagement, it was desirable that, the earliest exchange should be made; and that the American ship of war Hornet was waiting in the harbor of Cadiz, destined in a few days to the United States, and affording an opportunity peculiarly convenient of transmitting the ratified treaty to the United States.

No answer having been returned to this note, on the 4th of June Mr. Forsyth addressed to the same Minister a second, urging, in the most respectful terms, the necessity of the departure of the Hornet, the just expectation of the United States that the ratified treaty would be transmitted by that vessel, and the disappointment which could not fail to ensue should she return without it.

After 15 days of further delay, on the 19th of June Mr. Forsyth was informed, by a note from Mr. Salmon, successor to the Marquis of Casa Yrujo, that his Majesty, on reflecting on the great importance and interest of the treaty in question, was under the indispensable necessity of examining it with the greatest caution and deliberation, before he proceeded to ratify it, and that this was all he was enabled to communicate to Mr. Forsyth on that point."

Thus, after the lapse of more than a month, from the time of Mr. Forsyth's first note, and of more than two months from the time when your government had received the treaty, with a knowledge that it had been ratified by the United States, the ratification of a treaty which his Catholic Majesty had solemnly promised, so that it might be exchanged within six months from the date of its signature, or sooner, if possible, was withheld thereby to give time to his Catholic Majesty to examine it; and this treaty was the result of twenty years' negotiation, in which every article and subject contained in it had been debated and sifted, to the utmost satiety, between the parties, both at Washington and Madrid; a treaty in which the stipulations by the Spanish Minister had been sanctioned by successive references of every point of his own government, and

were, by the formal admission of your own note, fully within the compass of his instructions.

If, under the feeling of such a procedure on the part of the Spanish government, the Minister of the United States appealed to the just rights of his country in expressions suited more to the sense of its wrongs than to the courtesies of European diplomacy, nothing had till then occurred which could have restrained your government from asking of him any explanation which could be necessary for fixing its determination upon the ratification. No explanation was asked of him.

Nearly two months afterwards, on the 10th of August, Mr. Forsyth was informed that the King would not come to a final decision upon the ratification, without previously entering into several explanations with the government, of the U. States, to some of which that government had given rise; and that his Majesty had charged a person possessed of his full confidence, who would forthwith make known to the United States his Majesty's intentions. Mr. Forsyth offered himself to give every explanation which could be justly required; but your government declining them from him, assigning to him the shortness of the time; a reason altogether different from that which you now allege, of the disrespectful character of his communications.

From the 10th of August till the 14th of the last month, a period of more than eight months passed over, during which no information was given by your government of the nature of the explanations which would be required. The government of the United States, by a forbearance perhaps unexampled in human history, has patiently waited for your arrival, always ready to give, in candor and sincerity, every explanation that could with any propriety be demanded. What then must have been the sentiments of the President upon finding, by your note of the 14th ultimo, that, instead of explanations, His Catholic Majesty has instructed you to demand the negotiation of another treaty, and to call upon the United States for stipulations derogatory to their honor, and incompatible with their duties as an independent nation? What must be the feelings of this nation to learn that, when called upon to state whether you were the bearer of His Catholic Majesty's ratification of the treaty, to be exchanged upon the explanations demanded being given, you explicitly answered that you were not? And, when required to say whether you are authorized, as a substitute for the ratification, to give the pledge of immediate possession of the territory, from which the acknowledged just claims of the citizens of the United States were stipulated to be indemnified, you still answer that you are not, but refer us back to a solemn promise of the King, already pledged before in the full power to your predecessor, and to a ratification, as soon as possible, already stipulated in vain by the treaty which he, in full conformity to his instructions, had signed?

The ratification of the treaty can now, no longer be accepted by this government, without the concurrence of a constitutional majority of the Senate of the United States, to whom it must be again referred. Yet even this promise, you were, by my letter of the 3d inst. informed that, rather than abandon the last hope of obtaining the fulfilment of his Catholic Majesty's promise, already given, the President would, so far as was constitutionally within his power, yet accept.

The assurances which you had given me in the first personal conference between us, of your own entire satisfaction with the explanations given you

upon all the points on which you had been instructed to ask them, would naturally have led to the expectation that the promise which you was authorized to give would at least not be withheld. From your letter of the 5th inst. however, it appears that no discretion has been left to you, to pledge even His Majesty's promise of ratification, in the event of your being yourself satisfied with the explanations upon all the points desired: that the only promise you can give, is *conditional*, and the condition a point upon which your government, when they prescribed it, could not but know it was impossible that the United States should comply; a condition incompatible with their independence, their neutrality, their justice, and their honor.

It was also a condition which His Catholic Majesty had not the shadow of a right to proscribe. The treaty had been signed by Mr. Onís with a full knowledge that no such engagement as that contemplated by it, would ever be acceded to by the American government, and after long and unwearied efforts to obtain it. The differences between the United States and Spain had no connexion with the war between Spain and South America. The object of the treaty was to settle the boundaries, and adjust and provide for the claims between your nation and ours; and Spain at no time could have a right to require that any stipulation concerning the contest between her and her colonies should be connected with it. As his Catholic Majesty could not justly require it, during the negotiation of that treaty, still less could it afford a justification for withholding his promised ratification after it was concluded.

The proposal, which, at a prior period, had been made by the government of the United States to some of the principal powers of Europe, for a recognition, in concert, of the independence of Buenos Ayres, was founded, as I have observed to you, upon an opinion then and still entertained, that this recognition must and I would, at no very remote period, be made by Spain herself; that the joint acknowledgement by several of the principal powers of the world at the same time, might probably induce Spain the sooner to accede to that necessity, in which she must ultimately acquiesce, and would thereby hasten an event propitious to her own interests, by terminating a struggle in which she is wasting her strength and resources, without a possibility of success; an event ardently to be desired by every friend of humanity, afflicted by the continual horrors of a war, cruel and sanguinary almost beyond example; an event not only desirable to the unhappy people who are suffering the complicated distresses and calamities of this war, but to all the nations having relations of amity and of commerce with them. This proposal, founded upon such motives, far from giving to Spain the right to claim of the United States an engagement not to recognize the South American government, ought to have been considered by Spain as a proof at once of the moderation and discretion of the United States; as evidence of their disposition to discard all selfish or exclusive views in the adoption of a measure which they deemed wise and just in itself, but most likely to prove efficacious, by a common adoption of it, in a spirit entirely pacific, in concert with other nations, rather than by a precipitate resort to it, on the part of the United States alone.

The conditional promise therefore, now offered by you, instead of the positive one which you have declared yourself authorized to give, cannot

be accepted by the President, and I am constrained to observe, that he can consider the procedure of your government in thus providing you with powers and instructions utterly inefficient for the conclusion of the negotiation with which you are charged, in no other light than as proceeding from a determination on its part, still to protract and baffle its final successful issue. Under these circumstances he deems it his duty to submit the correspondence which has passed between us since your arrival to the consideration of the Congress of the United States, to whom it will belong to decide how far the United States can yet consistently with their duties to themselves, and the rights of their citizens, authorise the further delay requested in your note of the 5th inst.

In the conclusion of that note, you have remarked, alluding to a great change which appears to have taken place since your departure from Madrid in the Government of Spain, that this circumstance alone would impose on you the obligation of giving no greater latitude to your promise previous to your receiving new instructions. If I have understood you right, your intention is to remark, that this circumstance alone would restrain you in any event from giving without new instructions the unconditional promise of ratification, which, in a former note, you had declared yourself authorized in the name of your Sovereign to give. This seems to be equivalent to a declaration that you consider your powers themselves in the extent to which they were entrusted to you as suspended by the events to which you thus refer. If I am mistaken in taking this as your meaning, will you have the goodness to inform me how far you do consider your powers affected by the present state of your information from Spain?

Please to accept the assurance of my distinguished consideration. JOHN QUINCY ADAMS.

#### Mr. Gallatin to the Secretary of State.

Paris, February 15, 1820.

Sir; General Vives, the new Minister of Spain to the United States, arrived at Paris on the 11th instant, and left it on the 14th, for London, with the intention to embark at Liverpool, in the New-York packet, which will sail on the 1st day of March.

Mr. Pasquier, after having seen him, invited me to an interview on the 12th, and said that he was inclined to hope that the differences might still be adjusted. General Vives had told him that the principal points at issue with Spain were, that the honor of the crown should be saved (mis à couvert) in the business of the grants, and to receive satisfactory evidence of our intention to preserve a fair neutrality in their colonial war. Mr. Pasquier had observed to him that it would be a matter of deep regret that private interest should prevent the conclusion of such an important arrangement, and that when it was clear that there had been at least a misunderstanding on the subject, the King's dignity could not be injured by a resumption of the grants, or by an exchange for other lands. He seemed to think that this would be arranged, and asked me what I thought we could do respecting the other point. I answered that the fullest reliance might be placed on the firmness of our neutrality, and, that I was really at a loss to know what could be added to the measures the United States had already adopted to enforce it. Mr. Pasquier gave me no understanding that if there was any defect, however trifling,

in our laws, and that was amended, it would probably be sufficient to satisfy the pride of Spain, as there now appeared a real desire to ratify, provided it could be done without betraying a glaring inconsistency. He had expressed to General Vives his opinion of the impropriety of asking from the United States any promise not to recognize the independence of the insurgent colonies and had told him that, on that subject, Spain could only rely on the moral effect which a solemn treaty, accommodating all her differences with the United States, would have on their future proceedings.

I expressed my hope that the explanations which General Vives was instructed to give on the subject of the grants, and to ask on that of our neutrality, might be such as to remove all the existing difficulties. But it was most important that he should arrive in the United States before the adjournment of Congress, and that he should be the bearer of the King's ratifications might be at once exchanged at Washington. If that was not done, the President would have no more security that the King would ratify General Vives' than Mr. Onís' acts; and it was impossible to suppose that he would run the risk of a second disappointment. This observation forcibly struck Mr. Pasquier, who said that he would make further enquiries on that point.

I saw, the same evening, the Spanish Ambassador, at this court, and in the course of a short conversation, he suggested that the grants in dispute might be set aside, the grantees not having fulfilled certain conditions or formalities; and, after acknowledging that General Vives, was not the bearer of the King's ratification, he hinted that he was authorised to give the United States satisfactory security that Spain would fulfil her engagements.

On the 13<sup>th</sup> I dined at the Minister of Foreign Affairs, with General Vives, who repeated to me, in substance, what he had said to Mr. Pasquier. I told him that the President would judge of the explanations he had to give on the subject of the grants; that he might rely on the determination of the United States to preserve their neutrality, and not less on the manner in which the laws for enforcing it were executed, than on the tenor of those laws, which I observed were, and had always been, more full and efficient than those of either England or France, on the same subject; that I could not say whether the question of recognizing the independence of the insurgent colonies would be agitated during the present session of Congress, but that if it was, the decision would probably have taken place before his arrival.

I then repeated what I had said to Mr. Pasquier, respecting the importance of his being authorised to exchange the ratifications of the treaty. He answered, that although he was not, he could, in case of an arrangement give satisfactory security to the United States, and that it would consist in consenting that they should take immediate possession of Florida, without waiting for the ratification of the treaty.

General Vives repeated, in the course of the evening, the same thing, to Mr. Pasquier, with whom I had afterwards a short conversation on the subject. He seemed extremely astonished that the Spanish government should have adopted that course rather than to authorise their Minister to exchange at once the ratifications. Since, however, the measure they proposed coincided

with the views of the President, as stated in his message, and would at all events prevent a rupture, we both agreed that no time should be lost in communicating to you General Vives' declarations.

I have the honor to be, &c.

ALBERT GALLATIN.

#### OFFICIAL ARTICLE.

##### PROCLAMATION OF THE KING TO THE NATION.

*Gazette Extra of Madrid, March 12.*

*Spaniards!*—When by your heroic efforts you succeeded in terminating a captivity in which I was detained by the most unheard of perfidy, every thing I saw and was informed of on entering into my native land, conspired to persuade me that the nation wished to see revived its ancient form of government; and this persuasion must have decided me to conform myself with the general wish of a magnanimous people, who, vanquisher of a foreign enemy, feared the still more dreadful evils of intestine divisions.

I was, however, well aware that the rapid progress of civilization in Europe, the universal diffusion of knowledge, even among the lower classes, the most frequent intercourse with the different parts of the globe, and the wonderful events of the present era, had given rise to ideas and desires unknown to our forefathers, which imperiously demanded the most energetic measures in the government. I also knew well that it was indispensable that the political institutions should agree with such principles, thereby to obtain that harmony between the people and the laws on which the stability and peace of society so much depend.

But while I was maturely planning, with the solicitude of my paternal heart, the changes to be effected in our fundamental administration, more suitable to the national character and to the present state of the different provinces of the Spanish monarchy, and also more analogous to an enlightened nation, you have let me know your wishes, for the re-establishment of the constitution proclaimed in Cadiz, in the year 1812, amidst the bustle of arms, and while to the astonishment of the world you were fighting for the liberty of your country. I have listened to your desires, and, as a *loving father*, I have condescended to grant what my children thought most conducive to their happiness. I have sworn to that constitution for which you have longed, and I will always be its firmest supporter. I have already taken the most effective measures for the immediate convocation of the *cortes*. [congress.] In them, and united to your representatives, I will make it my glory to concur in the great work of national prosperity.

*Spaniards*—Your glory is my only ambition. The desire of my heart is to see you all united and happy round my throne.—Trust then to your king, who addresses you with that sincere effusion of his soul which the circumstances in which you are, and a sense of the high duty imposed upon him by Providence, inspire him with; your happiness will henceforth depend, in a great measure upon yourselves. Do not suffer yourselves to be seduced by the deceitful appearance of a chimerical happiness which often prevent the attaining of real bliss. Allow not your passions to be excited, as they are wont to make enemies of those who ought always to live as brothers, and be as unanimous in their wishes as they are in the possession of one religion, the speaking of one language, and the conforming to the same manners and customs. Repel the perfidious insinuations, so artfully disguised by your enemies.

Let us conform ourselves strictly to the constitution, as I myself will be the first to do, and let us show to Europe a pattern of wisdom, order and perfect moderation, in a crisis which, in other nations, has been accompanied by scenes of bloodshed and havoc.—Let us make the Spanish name admired and respected, at the same time that we establish forever our happiness and our glory.

*Madrid, March 10th, 1820.*

#### 16th CONGRESS—1st SESSION.

##### IN SENATE.—MAY 5 to 8.

In the Senate, this day the only interesting subject before that body, was "a bill to limit the term of office, of certain officers," which provides that all district attorneys, collectors of the customs, naval officers, surveyors of the customs, navy agents, receivers of public moneys for lands, registers of the land offices, the apothecary general, and commissary general of purchases, the assistant apothecaries general, and pursers of the navy, be appointed for the term of four years; but shall be removable from office at pleasure; the provisions of the bill also regulate the time, when those at present in commission, shall come under the present regulation.

Mr. MACON, submitted the following motion for consideration:

Resolved, That authority ought to be vested in the Treasury Department, to examine and finally settle all such equitable claims as cannot, according to the rules and regulations of the Department, be now settled.

The President communicated a report of the President and directors of the Washington Canal Company, made in obedience, to the provisions of their charters containing a statement of their receipts, (near \$5,000) and expenditures, since the 31st of January 1819.

The Senate resumed, as in committee of the whole, the consideration of the bill entitled, "An act to alter the times of the sessions of the Circuit and District Courts in the District of Columbia," after some amendments being made thereto, the bill was postponed till to-morrow.

The following bills from the other House, were severally read the third time, passed and returned, viz:

The bill to annex certain lands, within the territory of Michigan, to the land district of Detroit.

The bill for the relief of Angus O. Frazer;

The bill for the relief of certain settlers in the state of Illinois who reside in the land district of Vincennes;

The bill to amend the act providing for the publication of the laws of the Union (with amendments.)

The bill for the relief of Lewis H. Guerlain;

The engrossed bill to limit the term of office of certain officers was also read the third time, passed and sent to the other House for concurrence.

The Senate took up the amendments of the other House to the bill extending the charter of the city of Washington, and agreed to all of them except that which strikes out of the charter the authority to the city to raise, with the approbation of the President of the United States, money for certain purposes, by way of lottery. This amendment was advocated by Messrs. King, of N. Y. and Burrill, and opposed by Messrs. Horsey and Roberts, and was disagreed to—16 to 10, and a committee of conference appointed on the part of the Senate on the subject.

The Senate took up the amendments of the other House to the bill to establish additional land offices in the state of Alabama (proposing to establish additional offices also in Illinois and Indiana.) The first amendment respecting Illinois having been disagreed to heretofore—the question was taken, after some discussion, on agreeing to the second amendment respecting Indiana, and was negatived, by yeas 7—nays 21.

The Senate resumed the consideration of the resolution from the other house, declaring the consent of Congress to a compact between the states of Tennessee and Kentucky for the settlement of their dividing line.

Mr. EATON moved to amend the resolution so as to extend the approbation of Congress not only to this compact, but "to such a compact as may be agreed on between said states."

This amendment was opposed by Mr. Logan, and was advocated by Messrs. Eaton and Williams, of Tenn. on the ground that the settlement recommended by the commissioners had not yet been acted on by the legislature of Tennessee, though it had been by that of Kentucky; that it was not certain that it would be ratified by the legislature of the former state, and they wished to provide for any agreement which might be finally concluded between the two states. The amendment was negatived; when Mr. WILLIAMS, of Tenn. moved the indefinite postponement of the resolution; but afterwards varied his motion to a postponement until to-morrow; which was agreed to.

The following bills from the other house, successively underwent examination and discussion in committees of the whole, and were severally ordered to be read a third time, viz:

The bill for the relief of General James Wilkinson;

TUESDAY, MAY 9.

Mr. DICKERSON, from the committee of commerce and manufactures, reported a bill authorising the repair of a sea wall at the Isle of Shoals, and a bill for the relief of Jacob Babbitt; which were read.

#### ATLANTIC CANALS.

The Senate resumed, in committee of the



whole, Mr. MORRILL in the chair, the bill to authorise the appointment of commissioners to survey the routes of certain canals—Mr. Burrill's amendment being still under consideration.

Mr. TRIMBLE hoped the amendment would not be adopted. The committee had reported this bill in such a shape as to make it unexceptionable to the Executive, whose opinion on the subject had been officially avowed. The opinion of the Executive was, that Congress had no power to convert the property of individuals to public uses, but that they might subscribe to the stock of companies formed for effecting public improvements. This amendment would conflict with that opinion, and might, if adopted, defeat the objects of the bill.

Mr. BURRILL could see no difference, except in favor of the amendment. The fact that the state of Massachusetts had not taken up this object was a reason for its being done by this government; it was as important, as well in regard to the public security as to other advantages, as any other; the objects contemplated by the bill had been commenced by the states, and, from their great value to the internal communication and their vicinity to the great cities of the sea-board, they could be accomplished without any aid from the general government. The object of the amendment was differently circumstanced. This, for local reasons, had not been considered important by the state of Massachusetts; that state had directed its attention to a different object—to the canal into Buzzard's Bay. The route contemplated by him in offering the amendment was from the waters of Taunton river to Boston Bay, and though the river fell into Narragansett Bay, the canal would be wholly in Massachusetts, and excluded the interference of any other state. But, Mr. B. said, the United States had just as much right to order a survey in one state as in another; the permission of a state was no more necessary in one instance than in another; and, in fact, the permission of a state gave no right to the general government which was not possessed without it—the states individually could not confer, any more than they could withhold, powers; and he hoped, as this object was not inferior to any other in importance, that the amendment would be adopted.

The question was taken, and the motion was agreed to—so the bill was indefinitely postponed.

#### WESTERN CANAL.

The Senate then took up, in committee of the whole, Mr. HUNTER in the chair, the bill to authorise the appointment of Commissioners to examine the country between the Sandusky and Miami bays of Lake Erie, and the navigable waters of the Scioto and the Great Miami rivers of the Ohio, to ascertain whether and by what route a canal can be laid out to connect those waters; and, if practicable, to determine and lay out the route of such canal, &c.

Mr. EATON moved, that the further consideration of the bill be postponed indefinitely, and offered his reasons in opposition to the bill as did also Mr. SMITH. The bill was supported at much length both by Mr. KING of N. Y. and by Mr. TRIMBLE.

The question, being taken on the indefinite postponement of the bill, it was decided in the negative—YEAS 12, NAYS 20.

Mr. RUGGLES moved to strike out of the bill the following provision: "And the sale of the forty-five townships and fractional townships, which have been surveyed in the Delaware district, shall be

suspended until the end of the next session of Congress."

This motion was negatived; when

Mr. RUGGLES moved to strike out the following proviso:

*Provided, always, and it is hereby enacted and declared, that nothing in this act contained, or that shall be done in pursuance thereof, shall be deemed or construed to imply any obligation on the part of the United States to make, or to defray the expenses of making, the Canal hereby authorised to be laid out.*

And in lieu thereof, to insert the following:

*"Provided, That if the Commissioners aforesaid shall be of opinion that a canal can be opened, and shall survey and lay out the same, it is hereby enacted and declared, that the additional sum for which the public lands shall sell, above the minimum price fixed by law, in the two ranges through which the same shall run, shall be, and is hereby, appropriated for making the said canal."*

The amendment was supported by the mover, and advocated by Mr. LOWRIE.

The amendment was opposed by Mr. KING of N. Y. because his views in supporting this bill were altogether national, and not for the particular benefit of Ohio, or any other section, however much advantage that state might derive from it incidentally. He wished the question proposed by the amendment to be left for future decision. Mr. TRIMBLE opposed the amendment.

The amendment was negatived.

The bill was then reported to the Senate; and after some remarks by Mr. MACON, in opposition to the bill; the question was taken on ordering it to be engrossed and read a third time, and decided in the affirmative, by the following vote.

YEAS—Messrs. Burrill, Dickerson, Edwards, Horsey, Hunter, Johnson of Lou. King of N. Y., Lanman, Lloyd, Lowrie, Morrill, Noble, Palmer, Parrott, Roberts, Ruggles, Sanford, Taylor, Thomas, Trimble.—20.

NAYS—Messrs. Barbours, Dana, Eaton, Gaillard, Leake, Logan, Macon, Pleasants, Smith, Tichenor, Walker of Alabama, Williams of Miss. Williams of Ten.—13.

The bill to alter the times of holding the courts of the District of Columbia, (with an amendment making the bill to take effect from and after the first of January next):

The bill extending the time for the redemption of land sold for direct taxes, in certain cases;

The bill for the relief of Samuel Brook Beall;

The bill for the relief of Martha Flood; and

The bill authorizing the sale of thirteen sections of land lying within the land district of Canton, in Ohio.

The Senate resumed, in committee of the whole, Mr. MORRILL in the chair, the consideration of the bill to authorize the appointment of commissioners to examine the route of the Chesapeake and Delaware canal, as already laid out, and the route of the proposed canal from the waters of the Delaware to those of the Rariton.

Mr. SMITH and Mr. MACON opposed the bill on principle, and at considerable length. The bill, its constitutionality, and expediency, were supported at large by Messrs. KING, of N. Y., DICKERSON, and VAN DYKE.

Mr. SMITH moved its postponement to the next session; which motion was negatived—aye 11, noes 15.

Mr. BURNETT moved to insert a clause providing also for a survey of "the best route for a canal from Naragansett bay to Massachusetts bay." This amendment, Mr. B. remarked, was not offered to defeat the bill, but the object was as essential as any other to preserve the line of inland navigation: it had been often thought of, and would abridge the sea voyage as much, if not more, than any other improvement on the coast, as it would save the long voyage around the great promontory of Cape Cod.

Mr. VAN DYKE said this amendment would present directly the constitutional difficulty, as it involved the question which the Executive had expressed his opinion on, it going to provide for an object to which the consent of the states had not been given, and had not been taken up by a company, &c.

Mr. BURNETT replied as to the facts of the case, and argued that this amendment could not possibly present any greater constitutional difficulty than any other feature of the bill.

On motion of Mr. SMITH, who wished, if the bill was to pass, also to offer some amendments, the bill was postponed until to-morrow.

#### HOUSE OF REPRESENTATIVES.

MAY 4.

Mr. ARCHER of Md presented the petition of Samuel F. Anderson, praying an equitable settlement of his accounts for services rendered in various capacities on Lake Ontario, in the late war with Great Britain: referred.

Mr. ALEXANDER, from the committee of Revolutionary Claims, made an unfavorable report on the petition of Henry Low; which was ordered to lie on the table.

On motion of Mr. WOODBRIDGE, it was

*Resolved*, That the Secretary of the Treasury be directed to prepare and report to this House, at the next session of Congress, such modifications of the existing system regulating the commerce, navigation, and revenue, of the United States, as he may consider necessary, and peculiarly applicable to the northern and western frontier thereof.

#### DUTIES ON SALES AT AUCTION.

The engrossed bill, entitled "An act laying duties on sales of merchandise at auction and for other purposes," was read a third time and passed, by the following vote:

**YEAS**—Messrs. Adams, Allen, Tennessee, Baker, Bateman, Beecher, Boden, Brown, Brush, Butler, N. H. Campbell, Case, Claggett, Clark, Cocke, Cook, Crawford, Culbreth, Cushman, Darlington, Dennison, Dewitt, Dickinson, Dowse, Edwards, Penn. Ervin, Folger, Foot, Ford, Forrest, Fuller, Gross, N. Y. Guyon, Hackley, Hall, N. V. Hendricks, Herrick, Hill, Kendall, Kinsey, Kinsley, Little, Linn, Lyman, McCreary, McLane, Del. McLean, Ken. Millory, Marchand, Mason, Meigs, Metcalf, R. Moore, S. Moore, Monell, Murray, Newton, Parker, Mass. Patterson, Philson, Plumer, Rankin, Richmond, Robertson, Rogers, Ross, Rush, Simpson, Sawyer, Sergeant, Settle, Shaw, Sloan, Smith, N. J. Smith, Md. Southard, Sterens, Storrs, Street, Strong, Vt. Taylor, Tomlinson, Tompkins, Trimble, Van Rensselaer, Wallace, Wendover, Williams Va Wood. 89.

**NAYS**—Messrs. Abbot, Alexander, Anderson, Archer, Md. Archer, Va Ball, Barbour, Bayly, Bryan, Buffum, Burton, Burwell Butler, Lou. Canaan,

Cobb, Crafts, Culpepper, Cuthbert, Eddy, Edwards, Con. Fisher, Floyd, Fullerton, Garner, Gross, Penn. Hardin, Hazard, Hester, Holden, Hooks, Johnson, Jones, Va. Kent, Lowndes, McClay, McCoy, Mercer, Nease, Nelson, Mass. Nelson Va. Overstreet, Parker, Va. Pinckney, Pindall, Pitcher, Reed, Rhea, Ringgold, Settle, Smith, N. C. Strong, N. Y. Swearingen, Tarr, Terrill, Tracy, Tucker, Va. Tucker, S. C. Walker, N. C. Warfield, Williams, N. C. 61.

#### THE LOAN BILL.

The House then took up in committee of the whole, the bill to authorize the President of the United States to borrow two millions of dollars, Mr. SMITH, of North Carolina, in the chair—

Mr. SMITH, of Maryland, explained the several provisions of the bill, and announced his intention to propose, in consequence of the proposed extent of the loan, (for 12 years) that the interest to be paid thereon should be limited to five per cent. (If it can not be borrowed at this rate, it may be raised by a temporary loan, at 6 per cent. which the Bank of the United States is to be authorized to lend.)

Mr. TRIMBLE, made a motion, to strike out two millions, (the proposed amount of the loan) and to insert in lieu thereof five millions; and entered into a view of the state and prospect of our financial affairs, to shew, that a larger loan than two millions of dollars was necessary from the revenue having been overrated, and that, if the sinking fund was left untouched, five millions would be little enough. If his motion succeeded, he intended of course, to move to strike out the provision, which authorizes the application of the surplus of the sinking fund for the present year, to the current expenses of the year. To separate the distinct questions, however, of the true amount of deficit, and of the expediency of thus applying the sinking fund, he limited his motion for the present to striking out the word two, leaving the amount blank, to be filled as the committee should think proper.

Mr. STORRS followed: he too doubted the correctness of the estimates of revenue for the present year, and argued that the proposed amount of the loan was too small. He was also of opinion that a due regard to the public faith required that the surplus of the sinking fund should not be applied to the expenses of the current year. In the course of his speech, Mr. S. gave notice that he should call up his motion looking to a system of internal revenue, with a view of amending it so as to make it a resolution calling on the Secretary of the Treasury to report to Congress, at the next session, a system of Internal Taxation adapted to any deficiency in the revenue arising from the excess of the expenditures of the government over its receipts.

Mr. SMITH replied to Mr. Trimble and Mr. Storrs. He denied that there was any invasion of the faith of the government as pledged in regard to the sinking fund. He defended the report of the committee of Ways and Means, and argued that it would be absurd to borrow money and pay interest on it, that it might lie idle in the Treasury, as this money must do, if borrowed, since it could not be employed in the redemption of the public debt, unless (of which there was no probability) it should be in the market at or below par.

Mr. LOWMEYER made a few remarks in favor of the bill, but also in favor of a somewhat larger amount of loan than two millions, thinking that a loan of that amount left too little surplus for contingencies

On the subject of the sinking fund he took the same ground as Mr. Smith, and entirely denied that the application of the idle surplus of that fund to the current expenses of the government was at all inconsistent with the laws creating and regulating that fund.

Mr. BALDWIN spoke in favor of a loan of five millions, and of course against that part of the bill which relates to the surplus of the sinking fund, which fund, according to his construction of the law, was sacredly pledged to the sole purpose of paying the public debt, and inapplicable to any other unless during war—a case specially provided for, and therefore excluding any other contingency.

Mr. BARBOUR controverted Mr. Baldwin's construction of the law. He contended that any surplus of the Sinking Fund, which could not be applied to the purchase of the Public Debt at or under par, might be applied to the ordinary purposes of the government—being idle and useless in the hands of the Commissioners of the Sinking Fund until at the end of two years it reverts to the Treasury.

FRIDAY, MAY 5

A message from the Senate, by Mr. Coffe, their Secretary, was received, stating that the Senate have postponed until the next session, the bill regulating duties for imports and tonnage.

#### DUTIES ON SALES AT AUCTION.

A motion was made by Mr. FENN, that the House reconsider the vote taken yesterday, on the question for enacting the Bill laying duties on the sale of merchandise at auction, which motion was agreed to, yeas 86—nays 65.

Mr. BARBOUR then moved that the bill be postponed till the next session, and on the question being taken, it passed in the affirmative, yeas 88—nays 62 as follows:—

YEAS Messrs. Alexander, Allen, N. Y. Anderson, Archer, Va. Baker, Baldwin, Ball, Barbour, Bayly, Baden, Brevard, Bryan, Buflum, Burton, Buwells, Butler, Lou. Cannon, Clark, Cook, Culpepper, Darlington, Dennison, Dewitt, Dickinson, Downe, Eddy, Edwards, Con. Edward, N. C. Fisher, Floyd, Ford, Fullerton, Gannett, Gross, N. Y. Gross, Penn. Hackley, Hall, N. Y. Hall, N. C. Hardin, Hazard, Hendricks, Herrick, Hibshman, Hiestler, Holmes, Hooks, Hostetter, Johnson, Jones, Virginia Kendall, Kent, Livermore, Lowndes, Lyman, Maclay, McCoy, Marchand, Mason, Mercer, R. Moore, S. Moore, Neale, Nelson, Mass. Nelson Va. Overstreet, Parker, Va. Patterson, Philson, Pinckney, Pindall, Pitcher, Richmond, Rogers, Settle, Shaw, Silsbee Sloan, Smith, Mo. Smith, N. C. Stevens, Strong, V. Swearingen, Tarr, Taylor, Tracy, Tucker, S. C. Walker, Warfield, Williams, N. C. 88

NAYS—Messrs. Adams, Allen, Tenn. Archer, M. Bateman, Bloomfield, Brown, Brush, Butler, N. H. Campbell, Case, Claggett, Corke, Crafts, Crawford, Culbreth, Cushman, Earle, Edwards, Penn. Folger, Foot, Forrest, Fuller, Gaylor, Hill, Jones, Tenn. Kinsley, Little, Linn, McCreary, Me Lane, Del. McLean, Ken. Mallory, Meigs, Melcott, Morton, Murray, Newton, Parker, Mass. Rarkin, Rich. Rich. Ringgold, Robertson, Ross, Russ, Symmons, Sawyer, Smith, New Jersey. Southard, Storrs, Sweet, Strong, Vermont, Terrill, Tomlinson, Tompkins, Trimble, Tucker, Va. Weadere, Whitman Williams, Va. Wood. 62.

The bill from the Senate to incorporate the inha-

bitants of the city of Washington, was read a third time and passed.

#### LOAN BILL.

The House in committee of the whole, took up the bill authorising a loan of two millions of dollars, the amendment proposed by Mr. Trimble being still under consideration.

Mr. STORRS spoke in favor of the amendment, (proposing to increase the loan to five millions) and against touching the sinking fund.

Mr. PHILIP BARBOUR addressed the committee against the amendment, and in favor of the bill.

Mr. CLAY spoke next in favor of the amendment.

#### DUTY ON AUCTION SALES.

Mr. FENN of N York, moved a reconsideration of the vote taken yesterday, on the passage of the bill laying a duty on sales at auction, with a view to postpone the bill to the next session of Congress.

The question having been stated from the Chair; Mr. COCKE of Tenn. said, he had supposed this bill, which passed yesterday, had taken the course of other bills, and had been yesterday transmitted to the Senate for its concurrence, until information to the contrary had been given to the House. Had the same expedition been pursued in regard to *certain other bills*, the motion for re-consideration could not have been made. Under the circumstances, he considered this motion as not a little extraordinary. The bill had been once debated and rejected; then re-considered and amended; then debated and ordered to a third reading, and on a subsequent day read a third time and passed; and now, on the next day, it was again proposed to be re-considered. For his part, he said, he was not made of such pliable materials as to be persuaded to go into a measure on one day, and out of it the next. For a course so inconsistent he could not possibly give his vote. If it was right to pass this bill yesterday, is was certainly right to pass it to day; for the same state of things exists now as did then. He therefore requested that, when the vote on the question on re-consideration was taken, it should be by yeas and nays, and that there should be a call of the House on the occasion.

Mr. Speaker stated, for the information of the House, and in justification of the Clerk of the House, that he had known of no intention to move a reconsideration of the bill until this morning; that yesterday indisposition had prevented his carrying the bill to the Senate, and this morning the Senate had not yet met. The general import of the Speaker's observations was, that no blame was imputable to the Clerk on the occasion.

Mr. BALDWIN assigned the reasons why he should vote in favor of the reconsideration. On the question to reconsider this bill the other day, with a view to revive it after its rejection, he had voted in the negative. The House would recollect that, when he moved to strike out 10 per cent. the amount of duty proposed to be laid on sales of dry goods, he had done so against his own opinion, believing that in that shape the bill would not answer the object he had in view. He was opposed to the reconsideration of the bill at that time, because he was of opinion that it was better to do nothing, or do what ought not to be done.

The bill had now assumed an aspect totally different from that in which it was reported by the committee; it was now a mere revenue bill, or, if it would have any other operation, it would be a partial one, confined to one, class of the communi-

ty. As a revenue bill, he said, it had been well remarked by his colleague, (Mr. Sergeant) that its operation would be partial, and therefore unjust. It was now distinctly avowed by the committee of Ways and Means, that it was not their intention to introduce a new revenue bill. Let the House remark, said Mr. B. that the system reported by the committee of Manufactures would have had the effect to supply the deficiency in the revenue, let what alarm may have been raised on the score of the effect of the tariff bill on the revenue. But, the other part of the system being destroyed, he was not disposed to retain this disjointed branch of it. With respect to the auction duty, he had another objection to it. Whilst it was connected with a general system, for important general purposes, the states which derived a revenue from the same object would be willing to give it up. Now, no such purpose would be answered by the bill; and, as a Representative of a state whose revenue would be impaired by it, he did not see why the interests of two states deriving revenue from this object, should alone be sacrificed, not to general but to partial laws. The solitary object of this bill, besides putting a little money in the Treasury, was, to aid merchants of this country in competition with those of another country in our markets. As a measure of revenue, he said, if the old system of revenue was good—if it had earned us so triumphantly through peace, and through war, there was no occasion for this little accession to it: and, if it was unsound and not to be relied on, this partial aid was not what it required. He should, therefore, vote for the reconsideration of the bill, and then for its postponement.

Mr. LIVENMORE wished before he voted for the reconsideration, to have a distinct pledge, that the object of the reconsideration was to *postpone* the bill, and not to amend and re-pass it. There was something about this bill, he said, which he could not understand. One day it is a revenue bill; the next day, a bill for the encouragement of manufactures; and the next day, something else. With regard to this bill as a measure of revenue, Mr. L. thought there was no occasion for it. He was of opinion that the revenue was large enough for the purposes of the government; and, if there was a proper retrenchment of the public expenditure, that there would at the present day be no complaint of a deficiency of revenue under our present system of imposts, which, he said, had been a faithful friend, and was entitled to continued confidence.

Mr. STORRS was opposed to the reconsideration of the bill. By suffering it to pass, he said, Congress would be able to ascertain the extent of the evil to which it was necessary to apply a remedy. It was important, with a view to devising hereafter a system for the protection of Domestic Industry, to understand with precision the extent of the evil under which it labors from the sales of foreign goods, &c. Congress would then be able to apply a remedy with some degree of certainty.

Mr. McLEAN, of Ky. said, he could not give a vote on this question without expressing his hope that the motion for reconsideration would not prevail. Believing that this bill would be beneficial to the manufacturing as well as to the mercantile interest, at the same time that it would aid the revenue, he could not but be in favor of its passage.

Mr. CAMPBELL agreed with the gentleman who last spoke, that each of three bills reported by the committee of manufactures was good, independently of the other. Though the Senate had rejected

one of those bills which had passed this house, he yet thought this house should do its duty without reference to what the Senate had done. If the Senate prevented the adoption of the system, on them, where it belongs, let the responsibility be.—It would not tell well, he said, to the nation, that the house had twice reconsidered and twice reversed its decision on the same bill.

Mr. RHEA was in favor of reconsideration now, because from the beginning he had been opposed to the bill.

Mr. POOR adverted to the difficulty which attended the sale of domestic manufactures, from the immense proportion of foreign goods thrown into the market, and expressed his conviction that the passage of this bill would have an important effect, favorable to national industry.

Mr. FULLER was opposed to a reconsideration of the bill. Although he had not spoken on either of the three bills which had been before this House, he had always avowed a strong inclination to do something that would promote the interest of the manufacturers of the country. Such, he was of opinion, would be the effect of this bill, by creating a discrimination in their favor, in the competition with foreign goods. The sale of which at auction, now fills the market, so as to leave no room for the domestic fabrics. This bill proposed to give to our manufacturers, in addition to the advantage already enjoyed, a bounty of five per cent. in competition with the foreign fabrics of the same material and quality—an advantage of which the friends of the manufactures ought to avail themselves. There would, he thought, be an indiscretion on the part of their friends in a reconsideration of this bill, and refusing to take what it offered, because they could not get all they wished. If this bill did not diminish the sales of foreign goods, it would serve to add, in no considerable degree, to our revenue. He thought it would be wise to begin a system for the protection of manufactures, with a single experiment first. The passage and operation of this bill would prepare the different classes interested, for other measures of the same character, should others be deemed expedient, and the country would not be taken unprepared, by having the whole mass thrown on them at once. He was, in every view, very much averse to the reconsideration of the bill.

Mr. SMITH of Md. said, that, as a friend alike to the three great interests of the country, he should vote against the reconsideration of this bill.

(To be continued.)

CONGRESS adjourned on the 15th inst. a long session of five months and eight days. Next week we shall endeavour to furnish a list of the acts passed, accompanied with a digest of each. Meanwhile we will merely state that an important resolve passed in the house of representatives by a vote of 80 to 75, declaring it expedient to provide by law for the expense of sending ministers to the South American republics.

In Great Britain, on the 25th of March out of 532 members of parliament which had been elected, only 126 remained to be chosen. It is said a Robe, to cost 30,000*l.* has been ordered in England, to be worn by George IV. at his Coronation.

Clocks at London, April 8th, 68 to 69. At Paris, April 6th, 73, 75.